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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,879	04/17/2001	Jed Arkin	BKE-002 (7991/4)	5203
21323	7590 07/06/2005		EXAMINER	
TESTA, HURWITZ & THIBEAULT, LLP HIGH STREET TOWER 125 HIGH STREET			WINDER, PATRICE L	
			ART UNIT	PAPER NUMBER
BOSTON, MA	A 02110		2145	
			DATE MAILED: 07/06/2005	5

Please find below and/or attached an Office communication concerning this application or proceeding.

	Amiliantian Na	Amiliana/a)				
	Application No.	Applicant(s)				
	09/836,879	ARKIN ET AL.				
Office Action Summary	Examiner	Art Unit				
	Patrice Winder	2145				
The MAILING DATE of this communication Period for Reply	n appears on the cover sheet w	vith the correspondence address				
A SHORTENED STATUTORY PERIOD FOR R THE MAILING DATE OF THIS COMMUNICAT - Extensions of time may be available under the provisions of 37 C after SIX (6) MONTHS from the mailing date of this communicati - If the period for reply specified above is less than thirty (30) days - If NO period for reply is specified above, the maximum statutory - Failure to reply within the set or extended period for reply will, by Any reply received by the Office later than three months after the earned patent term adjustment. See 37 CFR 1.704(b).	ION. FR 1.136(a). In no event, however, may a on. , a reply within the statutory minimum of thi period will apply and will expire SIX (6) MO statute, cause the application to become A	reply be timely filed irty (30) days will be considered timely. NTHS from the mailing date of this communication. BANDONED (35 U.S.C. § 133).				
Status						
1)⊠ Responsive to communication(s) filed on	17 April 2001.					
2a) This action is FINAL . 2b)						
3) Since this application is in condition for al	☐ Since this application is in condition for allowance except for formal matters, prosecution as to the ments is					
closed in accordance with the practice un	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
4) Claim(s) 1-190 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) 1-190 are subject to restriction and/or election requirement.						
Application Papers						
9) The specification is objected to by the Exa 10) The drawing(s) filed on is/are: a) Applicant may not request that any objection to Replacement drawing sheet(s) including the color of the colo	accepted or b) objected to to the drawing(s) be held in abeya correction is required if the drawing	nce. See 37 CFR 1.85(a). g(s) is objected to. See 37 CFR 1.121(d).				
Priority under 35 U.S.C. § 119						
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 						
Attachment(s)						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-94 3) Information Disclosure Statement(s) (PTO-1449 or PTO/S Paper No(s)/Mail Date	8) Paper No	Summary (PTO-413) (s)/Mail Date Informal Patent Application (PTO-152) 				

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DETAILED ACTION

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-39, 67-105, 181-190, drawn to a system for identifying at least one infringing item by comparing an infringing item characteristics including a signature with a known IP item characteristic including a signature, classified in class 709, subclass 217.
- II. Claims 40-66, 106-167, 168-180, drawn to a system for making modified copies of network items available to a network, classified in class 709, subclass 246.
- 2. The inventions are distinct, each from the other because of the following reasons: Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the modified copies are associated with infringing items that were found during a search. The subcombination has separate utility such as system for providing modified copies of network items

without the features of searching for infringing items.

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3. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

- 4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
- 6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrice Winder whose telephone number is 571-272-3935. The examiner can normally be reached on Monday-Friday, 10:30 am-7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 571-272-6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patrice Winder Primary Examiner Art Unit 2145

July 1, 2005